

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

California Clean Up
Environmental Services, Inc.
15533 Fairhope Drive
La Mirada, CA 90638

ID No. CAR000018168

Respondent.

Docket HWCA 2007-1299

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and California Clean Up Environmental Services, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste at the following site: 15533 Fairhope Drive, La Mirada, CA 90638 (Site).

1.3. Inspection. The Department inspected the Site on October 20, 2006.

1.4. Authorization Status. The Department authorized Respondent to transport hazardous waste by Transporter Registration No. 3589 with Consolidated Transporter Notification issued on September 28, 2006.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. The Respondent violated Health and Safety Code, section 25201 (a), in that prior to October 20, 2006, Respondent stored hazardous waste in excess of the ten days allowed under the transfer facility exemption without a permit or other grant of authorization from the Department. To wit: Manifests from the years 2005 and 2006 showed waste had been stored for over 10 days.

2.3. The Respondent violated Health and Safety Code, section 25160.2 (a)(1), in that prior to October 20, 2007, Respondent failed to terminate and complete a separate manifest for each day of transport. To wit: Manifests from the years 2005 and 2006 were not completed for each load at the end of each day under a Consolidated Transporter Notification.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations cited above. Respondent shall

operate hereafter in a manner that shall prevent recurrences of the violation cited in this Consent Order.

3..2. Respondent shall make all payments at the time and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.2. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.3. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department a total sum of \$11,000 as penalty. This penalty consists of a \$16,000 fine, of which \$5,000 is suspended on the following condition: Respondent hereby agrees to send an employee to the California Compliance School Modules I through V. Attendance must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the

California Compliance School to the Department within 185 days of the date of this Consent Order. If Respondent fails to submit the Certificates as required, the stayed penalty of \$5000 becomes due and payable within 30 days after the expiration of the 185 day period. The 185 day period may be extended by the Department upon written request demonstrating good cause from Respondent.

5.2. Respondent shall pay three (3) installments of \$3,667 commencing on July 1, 2007, November 1, 2007, and May 1, 2008 respectively .

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mukul Agarwal, Unit Chief
Statewide Compliance Division
Glendale Branch
1011 N. Grandview Avenue
Glendale, CA 91201

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 4/26/07

Original signed by: Laura Samarah

Laura Samarah
Respondent

Dated: 4/26/07

Original signed by: Mukul Agarwal

Mukul Agarwal, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control